



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,834	10/12/2001	Jan Swerup	34649-462USPT	1683

7590 09/27/2004

JENKENS & GILCHRIST, P.C.  
3200 Fountain Place  
1445 Ross Avenue  
Dallas, TX 75202-2799

EXAMINER
----------

HARVEY, DIONNE

ART UNIT	PAPER NUMBER
----------	--------------

2643

DATE MAILED: 09/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/976,834	SWERUP ET AL.	
	Examiner	Art Unit	
	Dionne N Harvey	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>5/2003; 10/2001</u> .   | 6) <input type="checkbox"/> Other: ____                                     |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1,2,7,8,10,11,16,17,19,20,21 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by **Ostergard (US 6,630,925)**.

Regarding claim 1, shown in figures **1a and 1b**, Ostergard teaches a method for assigning functions to be represented by keys on a cover lid of a mobile communication device, the method comprising: In **column 6, lines 42-46 and 49-56**, Ostergard teaches a switch **130** for recognizing when the cover is open or closed, so as to know which keypad functions should be used, which reads on "detecting whether the cover lid is in a

Art Unit: 2643

first position or a second position”; Ostergard teaches two sets of keys, **12 and 22**, which as shown in figure **3A**, may be constructed so as to respectively share the same contact pads **44**; in **column 4, lines 50-51**, Ostergard further teaches that the device may be constructed such that the key function of the **12** key is different from the key function of the **22** key, though the same activation mat can be pressed on either side thereof, which reads on “assigning a first set of functions to be represented by the keys when the cover lid is detected in the first position and assigning a second set of functions to be represented by the keys when the cover lid is detected in the second position.”

Regarding claim 2, the physical representation of each key (button **12** or **22**) and its’ printed numerical or alphabetical indicator of the assigned function, has been interpreted by the Examiner as providing a “graphical template” of the keys.

Regarding claim 7, in **column 4, lines 52-54**, Ostergard teaches tactile members for indicating to the user that function to be performed by each key.

Regarding claim 8, in figures **1a, and 1b**, Ostergard teaches that the keys are constructed as raised symbols.

Regarding claim 10, shown in figures **1a and 1b**, Ostergard teaches a mobile communication device having two sets of keys, **12 and 22**, which as shown in figure **3A**, may be constructed so as to respectively share the same contact pads **44**; In **column 6, lines 42-46 and 49-56**, Ostergard teaches a switch **130** for recognizing when the cover is open or closed so as to know which keypad functions should be used. The means for retaining and accessing specific sets of functions for use, inherently reads on “a

Art Unit: 2643

memory unit configured to store a first set of functions and a second set of functions to be represented by the keys”; switch **130** reads on “a detector unit capable of detecting a movement of the cover lid from a first position to a second position”; In **column 6, lines 42-56**, Ostergard teaches a switch **130** device to recognize which set of keys in the device are in use i.e., the first set **12** OR the second set **22**, and further teaches that when the switch is operable in the closed-cover state, the keyboard functions in accordance with the input from the first keys **12**, and when switch is operable in the open-cover state, the keyboard functions in accordance with the input from the second set of keys **22**, thereby inherently reading on “a control unit connected to the memory and the detector unit, the control unit configured to assign the first set of functions to the keys when the cover lid is detected in a first position, and to assign the second set of functions to the keys when the cover lid is detected in the second position.”

Regarding claim 11, the physical representation of each key (button **12 or 22**) and its' printed numerical or alphabetical indicator of the assigned function, has been interpreted by the Examiner as providing a “graphical template” of the keys.

Regarding claim 16, in **column 4, lines 52-54**, Ostergard teaches tactile members for indicating to the user that function to be performed by each key.

Regarding claim 17, in figures **1a and 1b**, Ostergard teaches that the keys are constructed as raised symbols.

Regarding claim 19, shown in figures **1a and 1b**, Ostergard teaches a keypad for a mobile communication device, comprising : two sets of keys, **12** and **22**, which as shown in figure **3A**, may be constructed so as to respectively share the same contact

Art Unit: 2643

pads **44**, thereby reading on “a plurality of mechanical keys mounted on the keypad”; In **column 6, lines 42-46 and 49-56**, Ostergard teaches a switch **130** for recognizing when the cover is open or closed, so as to know which keypad functions should be used, thereby reading on “and capable of performing a first set of functions and a second set of functions”; Ostergard teaches that switch **130** detects movement of the cover lid from an open-cover state to a closed-cover state position thereby indicating which set of keys in the device are in use i.e., the first set **12**, OR the second set **22**, and further teaches that when the switch is operable in the closed-cover state, the keyboard functions in accordance with the input from the first keys **12**, which reads on “the plurality of mechanical keys configured to perform a first set of functions when a predetermined event has not occurred”; and Ostergard further teaches that when the switch is operable in the open-cover state, the keyboard functions in accordance with the input from the second set of keys **22**, which reads on “the plurality of mechanical keys configured to perform a second set of functions when a predetermined event has occurred.”

Regarding claims 20-21, in **column 4, lines 52-54**, Ostergard teaches that the mechanical keys include numeric and alphabetic keys.

Regarding claim 26, Ostergard teaches that the predetermined event includes opening the cover lid.

Art Unit: 2643

3. Claims 1,4,10 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by **Jambhekar (US 5,715,524)**.

Regarding claim 1, shown in **figure 1**, Jambhekar teaches a method for assigning functions to be represented by keys on a cover lid of a mobile communication device, the method comprising: In the '**ABSTRACT**' section and in **column 2, lines 49-54**, Jambhekar teaches a switch for recognizing when the cover is open or closed so as to know which keypad functions should be used, which reads on "detecting whether the cover lid is in a first position or a second position"; Jambhekar teaches that the user data portion **305** includes a user data area **303**, which reads on "keys", which are actuatable via pressure. When the cover-lid is in a closed position, user data area **303** operates in accordance with a first set of functions, and when the cover-lid is in an open position, user data area **303** operates in accordance with a second set of functions, which reads on "assigning a first set of functions to be represented by the keys when the cover lid is detected in the first position and assigning a second set of functions to be represented by the keys when the cover lid is detected in the second position."

Regarding claim 10, shown in figure 1, Jambhekar teaches a mobile communication device including a user data portion **305** and a user data area **303**, which reads on "keys"; the mobile communication device having means for retaining and recalling specific sets of functions, thereby inherently reading on "a memory"; in **column 2, lines 49-54**, Jambhekar teaches a switch for recognizing when the cover is open or closed so as to know which keypad functions should be used, which reads on "a detector unit capable of detecting a movement of the cover lid from a first position to

Art Unit: 2643

a second position”; In **column 3, lines 21-41 and in column 4, lines 12-28**, Jambhekar teaches that when the cover-lid is in a closed position, the user data area **303** operates in accordance with a first set of functions, and when the cover-lid is in an open position, the user data area **303** operates in accordance with a second set of functions, thereby inherently reading on “a control unit connected to the memory and the detector unit, the control unit configured to assign the first set of functions to the keys when the cover lid is detected in a first position, and to assign the second set of functions to the keys when the cover lid is detected in the second position.”

Regarding claims 4 and 13, shown in **figures 4 and 5**, Jambhekar teaches that the user data area **303**, which reads on “keys”, is rotateable by 90 degrees, when the cover-lid is in the second position and the user data area **303** is therefore functioning according to the second set of functions.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3,5,6,12,14,15 and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ostergard (US 6,630,925)** in view of **Collins (US 6,038,313)**.



Regarding claims 3 and 12, In **column 4, lines 54-56**, Ostergard teaches that some or all keys of the first keyboard **12** have the same functions as those of the second keyboard **22**. Ostergard does not teach that assigning the set of functions to the keys results in the second position of at least two of the keys being swapped relative to the first position.

In figures **1a and 1b**, Collins teaches a cover-lid having first and second positions in which the keys are assigned to respective sets of first and second functions. Collins further teaches that in the second position, so as to present the user with a key arrangement similar to that of the first position, at least two of the key positions are swapped. It would have been obvious for one of ordinary skill in the art at the time of the invention to swap the location of certain keys when changing the orientation of the keyboard, so as to provide the user with an identical key layout.

Regarding claims 5 and 14, Collins teaches that in the second position, the position of the keys are rotated by 180 degrees relative to the first position.

Regarding claims 6 and 15, Collins teaches a null value to be represented by at least one key in both the first and second set of functions.

Regarding claim 22, In figures **1a and 1b**, Collins teaches that the mechanical keys include alpha-numeric keys.

Regarding claim 23, in **column 3, line 52-58**, Collins teaches a special pen, which reads on "a pointing device" capable of performing a first and second set of functions when a predetermined event has OR has not occurred.

Art Unit: 2643

Regarding claim 24, Collins teaches that the predetermined event includes pressing one or more predefined keys.

Regarding claim 25, In **column 3, lines 33-48**, Collins teaches that the predetermined event includes initiating one or more predefined applications in the mobile communication device.

6. Claims 9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ostergard (US 6,630,925)** in view of **Gray (US 5,987,310)**.

Regarding claims 9 and 18, Ostergard does not clearly teach forming Braille characters on the surface of the keys. In **column 3, lines 7-8**, Gray teaches that it is desirable to provide a Braille keypad in a cellular phone device. It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Ostergard and Gray, including Braille characters on the surface of the keys, thereby permitting the use of the mobile communications device by blind persons.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dionne N Harvey whose telephone number is 703-305-1111. The examiner can normally be reached on 9-6:30 M-F and alternating Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 703-305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2643

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dionne Harvey



CURTIS KUNTZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600